

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/783,372	01/13/97	FINSTERWALD	M 88650

MM42/1119  
J GEORG SEKA  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
8TH FLOOR  
SAN FRANCISCO CA 94111-3834

EXAMINER	
ST	CYR, D #15
ART UNIT	PAPER NUMBER
2876	
DATE MAILED: 11/19/99	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Notice of Allowability</b>	Application No. <b>08/783,372</b>	Applicant(s) <b>Martin Finsterwald</b>
	Examiner <b>Daniel St.Cyr</b>	Group Art Unit <b>2876</b>

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

This communication is responsive to communication filed.

The allowed claim(s) is/are 39-40, 42, renumbered as 1-3.

The drawings filed on \_\_\_\_\_ are acceptable.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been  received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

**Attachment(s)**

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

Interview Summary, PTO-413

Examiner's Amendment/Comment. Note appropriate headings have been added to the description by informal exam. comnt.

Examiner's Comment Regarding Requirement for Deposit of Biological Material

Examiner's Statement of Reasons for Allowance

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Georg Seka on 11/15/99. Claims 39 and 41 were combined to define the invention over the prior art.

2. The application has been amended as follows:

#### **IN THE CLAIM:**

a) Substitute claim 39 with the following:

1. A method for motivating a customer to purchase a product or a service and for rewarding the customer for repeat purchases thereof, the method comprising the steps of:

    applying a unique code to evidence of the purchase of the product or service;

    giving a customer access to the evidence including the code thereon after the customer has completed the purchase, wherein the evidence is part of the product, and including the step of applying the code to the product so that the code remains invisible to the customer until after the customer purchased the product;

    establishing a central data processing and retention having an Internet connection;

Art Unit: 2876

causing the customer to contact the station via the Internet and to transmit the code and data identifying a characteristic of the customer to the processing station;

at the processing station assigning a digitally accessible account to the customer;

D, cont.  
digitally receiving the code and the data transmitted by the customer and without human intervention directing at least the data transmitted by the customer via the Internet to the account;

in the account, storing a value assigned to the product or service;

repeating the steps of giving, transmitting the code via the Internet to the processing station, and digitally receiving and storing; and

permitting the customer via the Internet and without further human intervention to redeem accumulated values in the account and apply the redeemed accumulated values to at least one of a plurality of uses selected by the customer.

b) Cancel claim 41.

***Allowable Subject Matter***

3. After further search and thorough examination of the present application and in view of the Applicant's arguments and amendments, claims 39-40 and 42 are found to be in condition for allowance over the prior art made of record.

4. The following is an examiner's statement of reasons for allowance: the prior art of record fails to disclose or fairly suggest a method for motivating a customer to purchase a product which includes applying a code, having a specific value, onto the product that remains invisible until the

Art Unit: 2876

purchase of the product is completed wherein the customer transmits the code to a processing station via the Internet for redeeming the value of the code, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to Technology Center 2800 via PTO fax machine located at Crystal plaza 4. The fax number is **(703)308-7722**.

Any inquiry concerning this communication from the examiner should be directed to **Daniel St.Cyr** whose telephone number is **(703) 305-2656**. The examiner can normally be reached between the hours of **8:00AM to 4:30PM** Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Donald T. Hajec**, can be reached at **(703) 308-4075**.

Any inquiry of general nature relating to the status of this application should be directed to the group receptionist whose telephone is **(703)308-0956**.

November 16, 1999

*Daniel St. Cyr*  
DS





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM42/1119

J GEORG SEKA  
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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/783,372	01/13/97	1003	ST CYR, D	2876 11/19/99
First Named Applicant	FINSTERWALD, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION: METHOD OF BUILDING UP A DATA BANK CONTAINING CUSTOMER DATA AND/OR FOR THE ORGANIZATION OF A REBATE OR COUPON SYSTEM

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
2 88650	235-375.000	E49	UTILITY	YES	\$605.00	02/22/00

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III: All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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